

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CONSTELLATION NEWENERGY, INC. :
Plaintiff, :
v. : No. 02-CV-2733 (HB)
POWERWEB TECHNOLOGIES, INC., *et al.*, :
Defendants. :

**RESPONSE BY POWERWEB TECHNOLOGIES, INC. TO FIRST REQUEST
FOR PRODUCTION OF DOCUMENTS BY CONSTELLATION NEW ENERGY, INC.**

Pursuant to Federal Rule of Civil Procedure 34(b), Powerweb Technologies, Inc. ("Powerweb") hereby responds and objects to the first request for production served by Constellation NewEnergy, Inc. ("NewEnergy"), as follows:

GENERAL OBJECTIONS

1. All responses herein are made without in any way waiving or intending to waive, but on the contrary, intending to preserve and preserving:
 - a. All objections as to competency, relevancy, materiality, privilege, and admissibility as evidence for any purpose in any subsequent proceedings or the trial of this or any other action;
 - b. The right to object to the use of any of the information and/or documents provided herein in any subsequent proceedings, or the trial of this or any other action on any ground;
 - c. The right to object on any ground at any time to a demand for further response to this or any other requests for production, set of interrogatories, or other discovery procedures involving or relating to the subject matter of these document requests;

RESPONSE: Powerweb incorporates here all of the "General Objections" set forth above. Subject to and without waiving these objections, Powerweb will produce non-privileged, relevant documents that are responsive to this request, to the extent that they exist and are in the possession, custody or control of Powerweb, within a reasonable time after an appropriate confidentiality order is entered by the Court.

12. All documents concerning Bell Atlantic's decision not to use Omni-Link.

RESPONSE: Powerweb incorporates here all of the "General Objections" set forth above. Subject to and without waiving these objections, Powerweb will produce non-privileged, relevant documents that are responsive to this request, to the extent that they exist and are in the possession, custody or control of Powerweb, within a reasonable time after an appropriate confidentiality order is entered by the Court.

13. All documents concerning joint development opportunities for Powerweb and AES NewEnergy, other than opportunities at Bell Atlantic.

RESPONSE: Powerweb incorporates here all of the "General Objections" set forth above. Subject to and without waiving these objections, Powerweb will produce non-privileged, relevant documents that are responsive to this request, to the extent that they exist and are in the possession, custody or control of Powerweb, within a reasonable time after an appropriate confidentiality order is entered by the Court.

14. All documents concerning complaints about Omni-Link, including but not limited to Omni-Link's failure to perform as expected, from your customers and/or prospective customers.